

REMARKS

Applicants wish to thank Examiner Haddad for discussing the present Office Action with Applicants' representative in a telephone conversation on February 27, 2007. The topics discussed were the outstanding rejections under 35 U.S.C. § 112, first paragraph, and under 35 U.S.C. § 102(b), as outlined herein.

Status of the Claims

Claims 1-25 and 27-155 were previously canceled without prejudice or disclaimer. Applicants reserve the right to pursue these claims in subsequent and pending applications. Claim 26 was withdrawn by the Examiner in the Office Action. Previously presented claims 156-162 are now pending.

Amendment of Claims

Claims 26, 156-158, and 161-162 were amended by deletion of the word "mature". As described below, deletion of the word "mature" does not narrow the scope of the instant claims. These amendments do not introduce new matter.

Rejoinder

M.P.E.P. § 821.04 requires that nonelected inventions be considered for rejoinder when all claims directed to the elected invention are found allowable.

Specifically, M.P.E.P. § 821.04(b) states:

[I]f applicant elects a claim(s) directed to a product which is subsequently found allowable, withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder.

M.P.E.P. § 821.04(b).

In response to the Office issuing a restriction requirement dated July 13, 2004, Applicants elected product claims directed to the integrin subunit $\alpha 11$ and domains and

fragments thereof. The currently pending claims 156-160 are directed to domains and fragments of integrin subunit $\alpha 11$. Claim 26, which was not elected, recites a method of producing these domains and fragments of integrin subunit $\alpha 11$. By this Amendment, claim 26 has been amended to contain all the limitations of concurrently amended product claims 156-160.

Should the Examiner determine that the currently amended claims 156-160 are allowable, Applicants respectfully request that the restriction requirement between the elected product claims and the nonelected claim 26 be withdrawn and claim 26 be found allowable.

Objections to the Claims

Rejections under 35 U.S.C. § 112, first paragraph

Claims 156-162 were rejected under 35 U.S.C. § 112, first paragraph, as containing new matter. According to the Examiner, the word “mature” was used in the specification to describe the 1166 amino acid long sequence of integrin subunit $\alpha 11$, which corresponds to the full length amino acid sequence encoded by the cDNA for integrin subunit $\alpha 11$ minus the 22 amino acid long signal peptide sequence. Claims 156-162 relate to fragments of this 1166 amino acid long mature integrin subunit $\alpha 11$. These fragments were disclosed in the specification, for example, on page 20, lines 20-24, and page 21, lines 11-13. The Examiner, contends, however, that the word “mature” was not used in the specification to describe the claimed fragments of the 1166 amino acid long mature integrin subunit $\alpha 11$. The Examiner believed the word “mature” was confusing as used in the instant claims since it did not refer to the fragments. Applicants respectfully disagree.

In an effort to expedite prosecution Applicants have now deleted the word "mature" from the claims. The Examiner agreed in the telephone conversation with Applicants' representative on February 27, 2007, that such an amendment of the claims would remove the Examiner's ground for rejection of the claims under 35 U.S.C. § 112, first paragraph. Applicants therefore respectfully request that this rejection of claims 156-162 is withdrawn.

Rejections under 35 U.S.C. § 102(b)

Claims 156 and 161-162 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gullberg et al., as evidenced by Velling et al.. According to the Examiner, the asserted reference Gullberg et al. discloses a mature integrin subunit α mt which allegedly is the same as the mature integrin subunit α 11 disclosed by the Applicants in the specification. Applicants respectfully traverse.

However, even if mature integrin subunit α mt is the same as the disclosed mature integrin subunit α 11, the fragments as currently claimed are not disclosed in Gullberg et al.. The Examiner agreed in the telephone conversation with Applicants' representative on February 27, 2007, that claims to such fragments would be patentable over the cited prior art. Applicants therefore respectfully request that this rejection of claims 156 and 161-162 is withdrawn.

Conclusion

As Applicants have addressed all of the Examiner's rejections and demonstrated that the now pending claims are patentable over the art of record, Applicants respectfully request entry and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: April 30, 2007

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